

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS AVERY AND KURT STABEL,)
)
 Plaintiffs,)
)
 vs.)
)
 SANFORD BARSKY, M.D.,)
)
 Defendant.)

3:12-cv-00652-MMD-WGC

ORDER

Re: Motion for Leave to Amend]

Doc. # 92

SANFORD BARSKY, M.D.,)
)
 Third-Party Plaintiff,)
)
 vs.)
)
 VENTANA MEDICAL SYSTEMS, INC., et al.,)
)
 Third-Party Defendants.)

Before the court is the motion of Defendant/Third-Party Plaintiff Sanford Barsky, M.D., to amend the pleadings. (Doc. # 92.)¹ Dr. Barsky submits a proposed amended Third-Party Complaint (Doc. # 92-1), wherein Dr. Barsky reasserts claims of equitable and implied indemnity which had been previously dismissed by District Judge Miranda M. Du on grounds of "ripeness." (Doc. # 69.) Dr. Barsky asserts that in view of his recent settlement with Plaintiffs Avery and Stabel, any defect in his prior pleadings as to ripeness have been cured by reason of that settlement. (Doc. # 92 at 5-6.)

Third-Party Defendant Ventana Medical Systems, Inc. (Ventana) does not oppose the amendment to re-assert "the previously dismissed claims of Equitable Indemnification and Implied Indemnification." (Doc. # 93 at 1-2.) However, Ventana would oppose any attempt by Dr. Barsky to extend the discovery deadline. (*Id.*, at 2.)

¹ Refers to court's docket number.

1 No reply memorandum was filed.

2 The objection Ventana lodged, i.e., opposing any extension of the discovery deadline is moot.
3 The discovery cut-off date of January 28, 2015, has now passed. No extension of the deadline set forth
4 in the court's scheduling order (Doc. # 72) was sought.

5 Good cause appearing, the motion of Dr. Barsky to file an amended third-party complaint (Doc.
6 # 92) is **GRANTED**. Counsel for Dr. Barsky shall proceed to file and serve the Amended Third Party
7 Complaint **within five (5) days** of this Order. Ventana shall respond to the Amended Third-Party
8 Complaint within **ten (10) days** of service.

9 The parties are reminded that the deadline to file any dispositive motions is **February 27, 2015**.
10 (Doc. # 72 at 2.) If for some reason the parties believe the dispositive motion deadline is untenable, the
11 parties shall submit a stipulation extending the deadline to March 27, 2015. If the parties are unable to
12 agree on such an extension, they shall contact courtroom administrator Katie Ogden to coordinate an
13 expedited hearing on the issue of the dispositive motions deadline.

14 **IT IS SO ORDERED.**

15 DATED: February 2, 2015.

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17 WILLIAM G. COBB
18 UNITED STATES MAGISTRATE JUDGE
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